



Application No. 09/424,815

Paper Dated: June 25, 2003

In Reply to USPTO Correspondence of February 25, 2003

Attorney Docket No. 702-991768

28
ELECTION
TECH CENTER 1600/2900
JUN 30 2003
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/424,815
Applicant : Petrus H. Nibbering et al.
Filed : April 10, 2000
Title : ANTIMICROBIAL PEPTIDES DERIVED FROM
UBIQUICIDINE
Group Art Unit : 1653
Examiner : Sheridan K. Snedden

ELECTION

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated February 25, 2003, Applicants elect the claims of Group III (claims 41-43, 45, 47, 49 and 60) with partial traverse, and elect the species of SEQ ID NO. 3.

The claims of Group III are directed to a method for treating infection by using ubiquicidine or peptides derived therefrom, as specifically identified by their sequences. The claims of Group I are directed to the peptide fragments corresponding to (but fewer in number than) the peptides identified in Group III. The claims of Groups I and III should be examined

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 25, 2003.

Anna Rosenstein
(Typed Name of Person Mailing Paper)

Anna Rosenstein
Signature

06/25/2003

Date

{W0066784.1}

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(and can easily be examined) together for the following reasons. An examination search of the single sequence of SEQ ID NO 1 would identify all prior art pertinent to either Group I or Group III, which suggests that the claims of Groups I and III could be examined together without hardship to the Examiner. Such a search would logically be designed to identify all biomedical effects of SEQ ID NO 1, so that any indications beyond the anti-infection indications of Group III would also be unearthed by the same examination search. Reconsideration of the restriction requirement to the point of examining the claims of Groups I and III together will be greatly appreciated by Applicants.

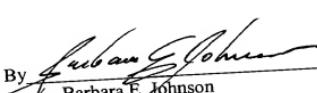
The election of the species of SEQ ID NO 3 is made with the understanding that upon allowability of a generic claim, Applicants will be entitled to examination of a reasonable additional number of species.

Examination and allowance of the claims of Groups I and III (namely, all of claims 28-34, 46, 47, 55, 41-43, 45, 47, 49 and 60) are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON P.C.

By


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1653/10
Attorney's Docket No. 702-991768

ELECTION TRANSMITTAL LETTER

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Serial No.: 09/424,815 Filing Date: April 10, 2000
Examiner: Sheridan K. Snedden Group Art Unit: 1653
Invention: "Antimicrobial Peptides Derived from Ubiquicidine"

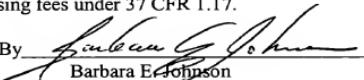
Transmitted herewith is an amendment in the above-identified application.

Small entity status of this application has been averred.
 A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
 No additional fee is required.
 The fee has been calculated as shown below:

No. of Claims	Highest No.	Small Entity Rate	Non-Small Entity Rate	Charge
After Amendment	Previously Paid For	Present Extra		
Total 33	33	0 X	\$ 9.00 X	\$ 18.00
Indep. 13	13	0 X	\$ 42.00 X	\$ 84.00
First Presentation of Multiple Dep. Claim			+\$ 140.00	+\$ 280.00
Extension of Time (3 month)			\$465.00	\$930.00
			Total Additional Fee	\$ 930.00

A check in the amount of \$ 930.00 is enclosed to cover the filing fee.
 The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.
 Any additional filing fees required under 37 CFR 1.16.
 Any patent application processing fees under 37 CFR 1.17.

June 25, 2003
Date

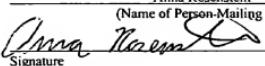
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